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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,061	02/05/2001	Nicholas J. Elsey	41698-1005	2496
7590	05/03/2005		EXAMINER	
Alex L. Yip Kaye, Scholer, Fierman, Hays & Handler, LLP 425 Park Avenue New York, NY 10022			CHOW, MING	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,061	ELSEY ET AL.	
	Examiner Ming Chow	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 43-50,52,88-95 and 97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 43-50,52,88-95 and 97 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Withdrawal of Finality

1. The indicated allowable subject matter of previous claims 51, 96 are not allowable in view of the newly discovered reference(s) to Hendrickson et al (US: 6745011). Please see the new rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 43, 45-50, 52, 88, 90-95, 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg et al (US: 6647111), and in view of Hendrickson et al (US: 6745011).

Regarding claims 43, 45, 52, 88, 90, Bjornberg et al teach on column 5 line 42-52, a central process (claimed “an interface”) collects multiple event records (claimed “plurality of events”) during a call (claimed “during the communication”). A report server (claimed “a processor”) collects all event information and summarizes a report (claimed “an output”).

Bjornberg et al failed to teach “identifier”. However, Hendrickson et al teach on column 12 line 32, user ID.

Bjornberg et al failed to teach “the selected one or more of the records are selected based on a type of event”. However, Hendrickson et al teach on column 12 line 30 to column 13 line 14, a database with event type information. Metrics (statistics) such as SMS, e-mail (claimed “event type”) are analyzed. The database records must be selected based on event types (SMS, e-mail) for generating the metrics.

It would have been obvious to one skilled at the time the invention was made to modify Bjornberg et al to have the “identifier” and “the selected one or more of the records are selected based on a type of event” as taught by Hendrickson et al such that the modified system of Bjornberg et al would be able to support the system users with ease of associating event records by identifiers and selecting records based on event types.

Regarding claims 46, 47, 91, 92, the statistics report as taught by Bjornberg et al is for a call. Therefore, the statistics report is a function of time from the call begins until the call terminates.

Regarding claims 48, 49, 50, 93, 94, 95, 97, the NGSN as taught by Bjornberg et al reads on claimed “call center” and “carrier” and “market”. The statistics report generated by the NGSN and therefore the statistics report is a function of the NGSN, the carrier, and the market.

3. Claims 44, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg et al, and in view of Hendrickson et al.

The modified system of Bjornberg et al in view of Hendrickson et al as stated in claim 43 above failed to teach “the communication includes an information assistance call”. However, The type of call received by the IVR as taught by Bjornberg et al is a “Decide Choice”.

It would have been obvious to one skilled at the time the invention was made to modify Bjornberg et al in view of Hendrickson et al to have the “information assistance call” such that the modified system of Bjornberg et al in view of Hendrickson et al would be able to support the system users with the particular type of call – information assistance call.

Conclusion

4. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Lamming et al (US: 5539665) teach recording and retrieval of information relevant to the activities of a user.

5. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner

by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow

(W)



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600